



**Duquesne Light**

*Our Energy... Your Power*

**Jody Noble**  
Assistant General Counsel

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Law Department  
411 Seventh Avenue, 8-2  
Pittsburgh, PA 15219

Tel 412.393.1196  
Fax 412.393.1418  
[jnoble@duqlight.com](mailto:jnoble@duqlight.com)

May 19, 2006

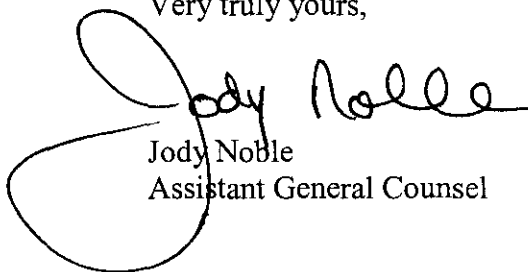
Marlene H. Dortch, Esq.  
Office of the Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street, S.W.  
Washington, DC 20554

Re: WT Docket No. 06-49  
Comments of Duquesne Light Company

Dear Ms. Dortch:

Enclosed for filing are one original and four copies of Duquesne Light Company Comments concerning the FCC's Notice of Proposed Rulemaking regarding proposed changes to the Commission's existing rules governing the licensing and use of frequencies in the 904-909.75 MHz and 919.75-928 MHz portions of the 902-928 MHz band. Duquesne Light believes that preserving the "safe harbor" provisions for unlicensed Part 15 devices is essential and that expanding the permissible uses of the licensed part of the band would undermine requisite interference protection for unlicensed Part 15 devices.

Very truly yours,



Jody Noble  
Assistant General Counsel

Enclosures (5)

Cc: Michael Rowan, Esq. -Special Counsel  
Spectrum & Competition Policy Division  
Wireless Telecommunications Bureau  
Federal Communications Commission  
445 12<sup>th</sup> Street, S.W.  
Portals I, Room 6315  
Washington, DC 20554

Best Copy and Printing, Inc. (BCPI)  
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Washington, DC 20554

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Before the  
**FEDERAL COMMUNICATIONS COMMISSION**  
Washington, D.C. 20554

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MAY 26 2006

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In the Matter of )  
 )  
Amendment of the Commission's ) WT Docket No. 06-49  
Part 90 Rules in the 904-909.75 and )  
919.75-928 MHz Bands )

**COMMENTS OF DUQUESNE LIGHT COMPANY**

**Duquesne Light Company** ("**Duquesne Light**") hereby submits comments addressing issues raised in the Notice of Proposed Rulemaking ("NPRM") in the above referenced proceeding.<sup>1</sup> In the NPRM, the Federal Communications Commission ("FCC" or "Commission") asked for comments regarding proposed changes to the Commission's existing rules governing the licensing and use of frequencies in the 904-909.75 MHz and 919.75-928 MHz portions of the 902-928 MHz band. **Duquesne Light** believes that preserving the "safe harbor" provisions for unlicensed Part 15 devices is essential and that expanding the permissible uses of the licensed part of the band would undermine requisite interference protection for unlicensed Part 15 devices. Utilities and their customers rely on the 902-928 MHz band to promote the efficient supply and use of our nations most critical resources — electricity, gas and water.

**Duquesne Light** is an electric transmission and distribution utility, offering electric service to more than 500,000 customers in southwestern Pennsylvania. **Duquesne Light** uses Itron's automatic meter reading ("AMR") technologies to monitor electric usage for residential and small commercial accounts from remote locations. The AMRs utilize the frequencies to

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<sup>1</sup> *In the Matter of Amendment of the Commission's Part 90 Rules in the 904-909.75 and 919.75-928 MHz Bands*, Notice of Proposed Rulemaking, WT Docket No. 06-49, FCC No. 06-24 (rel. March 7, 2006) ("NPRM").

transmit and receive electric utility meter reading data for over 500,000 meters on a daily basis in the Greater Pittsburgh, Pennsylvania metropolitan area. Duquesne Light required the utilization of these frequencies to efficiently conduct its business. AMR is a necessity in a deregulated utility environment in which separate entities may be competing in the generation, transmission, wholesaling, and distribution to end users of energy. Reconciling the multiple, overlapping transactions involving these service providers requires consumption information on a daily basis, and in some cases more frequently. Because of such benefits, AMR use is increasing and will continue to do so in the future. Through the use of AMR data, Duquesne Light is able to enhance its customer relationship management and overall customer satisfaction ratings by using the daily reads to support:

- Off-cycle read requests for turn on/offers and duals, move-ins/move-outs and customer choice and switching reads;
- Reduction of billing errors, estimates and missed reads, as well as the number of calls to the call center; and
- Timely reconciliation of accounts, reduction of read-to-bill time frame and automation of meter reading functions, reducing the lag time to new installs or final bills.

The outage messaging and monitoring allows for Duquesne Light to maximize the value of its distribution system assets. The radio frequency network outage information improves overall system reliability by extending the existing 800 points of supervisory control and data acquisition ("SCADA") with another 9,600 neighborhood response units. All of this information improves outage management by increasing Duquesne Light's internal awareness of outage and restoration and enables rapid outage response by line crews to trouble spots.

These benefits, however, could well be lost if changes are made to the Part 90 multilateration Location and Monitoring Service ("M-LMS") rules that would pose an undue risk

of interference to our AMR system<sup>2</sup>. For this reason, **Duquesne Light** opposes any changes to the LMS rules at this time.

### DISCUSSION

The NPRM seeks comment on whether the service and technical rules for M-LMS licensees should be modified. Specifically, the Commission asks whether it should expand the types of services that M-LMS licensees may offer beyond location based services, or alternatively whether to modify the rules to provide licensees with additional options in the use of the spectrum.<sup>3</sup> The Commission also seeks comment on whether it should modify the technical rules for M-LMS licensees by changing the allowed power levels or allowing frequency hopping and other modulation techniques.<sup>4</sup> Finally, the Commission requests comment on whether it should modify the Part 90 safe harbor rules that insulate unlicensed devices operating in the 902-928 MHz band.<sup>5</sup>

Given the amount of investment made by **Duquesne Light** in its AMR system and its reliance on the system to control energy resources, **Duquesne Light** opposes any change to the M-LMS rules. The FCC adopted the rules to allow for the co-existence of licensed and unlicensed devices, and to minimize the possibility of unlicensed devices being subject to harmful interference. **Duquesne Light** has relied on these rules in adopting use of its AMR system and believes that any rule change that risked an increase in harmful interference must be rejected out of hand.

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<sup>2</sup> Itron's ARM devices operate at low power levels and short duty cycles in the 902-928 MHz unlicensed band.

<sup>3</sup> NPRM at ¶¶ 19-20.

<sup>4</sup> NPRM at ¶¶ 26-33.

<sup>5</sup> NPRM at ¶¶ 36-41.

The power levels at which our AMR system operates – like the power levels for all unlicensed devices in the 902-928 MHz band - are well below those permitted for M-LMS devices. When an AMR device and an M-LMS device are in proximity to one another, therefore, the AMR device will be exposed to potentially harmful interference. In adopting its rules for M-LMS, the Commission attempted to minimize the possibility of such harmful interference by restricting the uses of M-LMS systems, thereby limiting the number of M-LMS devices that were likely to be deployed.

Reducing maximum M-LMS power levels, or adopting other M-LMS interference reduction measures such as introducing spread spectrum technologies, by itself, would represent an improvement in the interference environment in which AMR systems operate. If the power levels for M-LMS devices remained above Part 15 levels, however, and if such measures were accompanied by M-LMS service rule changes that made M-LMS devices more ubiquitous, then the net effect would be to expose AMR systems to many more devices capable of causing harmful interference than is true under the present rules. That is a trade-off we cannot afford.

Finally, **Duquesne Light** urges the Commission to retain the present safe harbor rules to insulate unlicensed Part 15 devices, including our AMR devices, from claims of interference.<sup>6</sup> **Duquesne Light** agrees with Itron and the Commission that there has been no change in circumstance that would warrant revisiting these rules. Moreover, a change in the rules might require Itron to redesign its AMR system, and the cost to utilities to purchase and implement a new AMR system might be prohibitive.

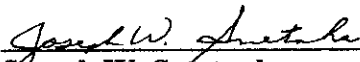
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<sup>6</sup> See 47 C.F.R. § 90.361.

## CONCLUSION

For the foregoing reasons, **Duquesne Light** respectfully requests that the Commission retain the current Part 90 rules governing the licensing and use of frequencies in the 904-909.75 MHz and 919.75-928 MHz portions of the 902-928 MHz band.

Respectfully submitted,

  
**Joseph W. Smetanka**  
**Vice President – Customer Service**  
**Duquesne Light Company**

May 30, 2006